

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

MACHIAS SAVINGS BANK

Plaintiff,

v.

No. 2:24-cv-0063-LEW

F/V *KATHERINE & ROBERTA* (O.N. 1297760), together with her masts, boilers, cables, engines, machinery, electronics, fishing permits, tackle, traps, appurtenances, etc., *in rem*,

Defendant.

ORDER DIRECTING ENTRY OF FINAL JUDGMENT

Before the Court is the Joint Motion for Entry of Final Judgment (ECF No. 29) (the “Motion”) filed by Plaintiff Machias Savings Bank (“MSB”) and claimant Midcoast Marine Electronics, Inc. (“MME”) on January 22, 2025, in this *in rem* action to foreclose a preferred ship mortgage pursuant to the Commercial Instruments and Maritime Liens Act, 42 U.S.C. §§ 31301 – 31309, 31343. The Motion is granted, and final judgment shall issue in favor of MSB and MME against the Vessel as follows.

1. On February 29, 2024, MSB filed this *in rem* action against F/V “Katherine & Roberta” (O.N. 1297760) (“Vessel”) to foreclose its preferred ship mortgage. (ECF No. 1).
2. On March 14, 2024, the United States Marshal arrested the Vessel pursuant to the Warrant for Maritime Arrest *In Rem* issued by this Court. (ECF Nos. 9, 10).
3. On March 28, 2024, MSB published notice of the arrest of the Vessel in accordance with the Order of Notice entered by this Court and provided notice of the arrest to the owner and master of the Vessel and MME as the holder of a maritime lien against the Vessel. (ECF Nos. 7, 17, 18-1, 18-2).

4. On April 6, 2024, MME filed its Verified Statement of Right or Interest in Vessel pursuant to Rule C(4) of the Supplemental Rules for Admiralty or Maritime Claims and Forfeiture Actions, Fed. R. Civ. P. (ECF No. 11).

5. On April 18, 2024, MME filed its Answer and Cross-Claim in this action (ECF No. 18).

6. No other parties appeared to assert a claim against the Vessel.

7. In their Joint Motion for Interlocutory Sale (ECF No. 18) MSB and MME stipulated the relative priority and amounts of their claims and agreed to a formula for the *pro rata* split of sale proceeds of the Vessel after payment of costs of sale and *in custodia legis* costs. (ECF No. 18).

8. On September 27, 2024, the Court granted the Joint Motion for Interlocutory Sale and entered its Order for Interlocutory Sale and for Leave to Credit Bid. (ECF No. 19), which allowed MSB and MME's respective claims and approved their stipulated method of distributing the sale proceeds.

9. On November 8, 2024, the Marshal sold the Vessel at a public sale to Tyler Piper for the sum of \$280,000. (ECF No. 25). The Court confirmed the sale on December 16, 2024 (ECF No. 28) and directed the Marshal to execute a bill of sale to the buyer, or his assigns, withhold his fees and disburse the remaining sale proceeds in accordance with the formula agreed to by the parties.

10. The Marshal has since executed the bill of sale and distributed the sale proceeds to the parties. Neither party has asserted an *in personam* claim for a deficiency against the owner of the Vessel. There is no further relief that this Court can provide in this case.

Therefore, the Joint Motion for Judgment (ECF No.29) is GRANTED. Pursuant to Fed. R. Civ. P. 58, the clerk is directed to enter final judgment in favor of MSB and MME against the Vessel as set forth in the Order for Interlocutory Sale of Vessel and for Leave to Credit Bid (ECF No. 19) and Order Confirming Sale and Facilitating Financing (ECF No. 28). All sale proceeds have been finally distributed as stipulated by the parties, hence no bill of costs or application for additional attorneys' fees shall be considered.

SO ORDERED.

Dated this 13th day of February, 2025.

/s/ Lance E. Walker
Chief U.S. District Judge